

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7315

BILL NUMBER: HB 1669

NOTE PREPARED: Jan 2, 2003

BILL AMENDED:

SUBJECT: Criminal Trespass.

FIRST AUTHOR: Rep. Cherry

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes criminal trespass a Class D felony. (Current law classifies this crime as a Class A misdemeanor, except in some circumstances.)

Effective Date: July 1, 2003.

Explanation of State Expenditures: Under current law, criminal trespass is a Class D felony if it is committed on a scientific research facility, on school property or a school bus, or if the person has a previous unrelated offense. In FY 2000, there were three people committed to Department of Correction (DOC) facilities for Class D felony criminal trespass, and in FY 2001 there were eight people committed. However, this information does not provide a basis for determining how many more people may be incarcerated in a Department of Correction facility if criminal trespass is punishable as a Class D felony.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months and three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000,

while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association.

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